

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NORA PULIDO,

Plaintiff,

CIV S-05-0678 FCD JFM PS

v.

UNITRIN, INC., ET AL.,

Defendants.

ORDER

By order filed December 15, 2005, plaintiff was ordered to file a return of service indicating service of process within sixty days and this matter was set for scheduling conference on March 2, 2006 at 11:00 a.m.

On February 9, 2006 plaintiff filed a declaration of service of process on defendant Kemper Auto and Home. On February 15, 2006, defendant Kemper Auto and Home filed an answer, but also filed a third party complaint against Joel Velazquez. Defendant Kemper states that the third party complaint has not yet been served on Joel Velazquez, but soon will be. (Deft.'s Status Report at 2.) In addition, counsel for defendant Kemper has notified the court that he will be in trial in another state court on March 2, 2006, and seeks a continuance of the scheduling conference set herein.

Because the third party has not yet been served, it appears a scheduling conference

1 is premature. Good cause appearing, defendant Kemper's request for continuance will be  
2 granted. This matter will be reset for scheduling conference on Thursday, April 13, 2006, at  
3 11:00 a.m. in Courtroom #25 before the undersigned.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The March 2, 2006 scheduling conference is continued to April 13, 2006 at  
6 11:00 a.m. in Courtroom #25 before the undersigned.

7 2. All parties shall appear by counsel or in person if acting without counsel.

8 3. The parties shall submit to the court and serve by mail on all other parties, no  
9 later than seven days before the Status (Pretrial Scheduling) Conference, a status report  
10 addressing the following matters:

11 a. Service of process;

12 b. Possible joinder of additional parties;

13 c. Any expected or desired amendment of the pleadings;

14 d. Jurisdiction and venue;

15 e. Anticipated motions and the scheduling thereof;

16 f. Anticipated discovery and the scheduling thereof;

17 g. Future proceedings, including setting appropriate cutoff dates for discovery  
18 and law and motion and the scheduling of a pretrial conference and trial;

19 h. Modification of standard pretrial procedures specified by the rules due to the  
20 relative simplicity or complexity of the action or proceedings;

21 i. Whether the case is related to any other case, including matters in  
22 bankruptcy;

23 j. Whether the counsel will stipulate to the magistrate judge assigned to this  
24 matter acting as settlement judge and waiving any disqualifications by virtue of his so acting, or  
25 whether they prefer to have a Settlement Conference before another judge;

26 k. Any other matters that may add to the just and expeditious disposition of this

1 matter.

2 4. Plaintiff and counsel are reminded of their continuing duty to notify chambers  
3 immediately of any settlement or other disposition (see Local Rule 16-160). In addition, the  
4 parties are cautioned that pursuant to Local Rule 78-230(c), opposition to the granting of a  
5 motion must be filed fourteen days preceding the noticed hearing date. The Rule further provides  
6 that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written  
7 opposition to the motion has not been timely filed by that party.” Moreover, Local Rule 78-  
8 230(j) provides that failure to appear may be deemed withdrawal of opposition to the motion or  
9 may result in sanctions. Finally, Local Rule 11-110 provides that failure to comply with the  
10 Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or  
11 Rule or within the inherent power of the Court.”

12 DATED: February 28, 2006.

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15 UNITED STATES MAGISTRATE JUDGE  
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